

**CITY OF MINNEAPOLIS
NUISANCE CONDITION PROCESS REVIEW PANEL**

**In the matter of the Appeal of
Director's Order To
Demolish the Property
Located at 1105 28th St. E.
Minneapolis, Minnesota.**

**FINDINGS OF FACT,
CONCLUSIONS, AND
RECOMMENDATION**

This matter came on for hearing before the Nuisance Condition Process Review Panel on March 12, 2009, in City Council Chambers located in Minneapolis City Hall. Burt Osborne, chair, presided and other board members present included Jim Dahl, Patrick Todd and Elfric Porter. Tom Deegan represented the Inspections Division at the hearing. Irina Vorotoniv, the owner of the property appeared at the hearing. Neighborhood resident Shirley Gould was also present. Based upon the Board's consideration of the entire record, the Board makes the following:

FINDINGS OF FACT

1. 1105 28th Street E. is a duplex in the Midtown Phillips neighborhood. The 2.5 story structure was built in 1900. The building is 1,754 square feet, with 877 being the first floor and 877 being the second floor. The building sits on a 4,278 square-foot lot.
2. The property located at 1105 28th Street E. is in disrepair. Code violations at the property include but are not limited to the following: cracking foundation; failing roof; illegal wiring and cracking chimney.
3. The Assessor rates the overall building condition as average-minus and lists the building as uninhabitable.
4. The Inspections Division of the City of Minneapolis determined that the property at 1105 28th Street E. met the definition of a Nuisance under Minneapolis Code of Ordinances

(hereinafter "M.C.O.") § 249.30. The applicable sections of M.C.O. § 249.30. provide that (a) *A building within the city shall be deemed a nuisance condition if:*

(1) *It is vacant and unoccupied for the purpose for which it was erected and for which purpose a certificate of occupancy may have been issued, and the building has remained substantially in such condition for a period of at least six (6) months.*

(2) *The building is unfit for occupancy as it fails to meet the minimum standards set out by city ordinances before a certificate of code compliance could be granted, or is unfit for human habitation because it fails to meet the minimum standards set out in the Minneapolis housing maintenance code, or the doors, windows and other openings into the building are boarded up or otherwise secured by a means other than the conventional methods used in the original construction and design of the building, and the building has remained substantially in such condition for a period of at least sixty (60) days.*

(3) *Evidence, including but not limited to rehab assessments completed by CPED, clearly demonstrates that the cost of rehabilitation is not justified when compared to the after rehabilitation resale value of the building.*

5. Pursuant to M.C.O. § 249.40(1) the building located at 1105 28th Street E. was examined by the Department of Inspections to ascertain whether the nuisance condition should be ordered for rehabilitation or demolition. Considering the criteria listed in M.C.O. § 249.40(1) the Inspections Department found:

- a. The estimated cost to rehabilitate the building is \$93,165 to \$119,836 based on the MEANS square footage estimate. The assessed value of the property for 2009 is \$99,200. The after rehab market value, as determined by the CPED contracted appraiser, is \$185,000.

b. The Preservation and Design Team staff conducted a historic review of the property finding that the property has no historic integrity and the demolition will have little or no adverse impact on historical neighborhood context. The Team has signed off on the wrecking permits.

c. There is \$2,743.00 in special assessments levied on the property in 2008.

d. The Midtown Phillips Neighborhood Association property owners within 350 feet of 1105 28th Street E. were mailed a request for a community impact statement. The Department of Inspections received one in return. The impact statement stated that the house has had no impact on the neighborhood and should be repaired. It also noted that the property should be sold.

d. The vacant housing rate in the Midtown Phillips Neighborhood is around 6.5%. Of the approximately 818 houses on the city's Vacant Building Registration, 30 are in the Midtown Phillips Neighborhood, a neighborhood of approximately 1,163 housing units.

6. Igor and Irina Vorotinov are the owners of the property located at 1105 28th Street E.

7. On October 29, 2007, the property was condemned for being a boarded building and added to the City's Vacant Building Registration. The property has remained vacant and boarded since that time.

8. Taking into account the criteria listed in § 249.40(1) a notice of the Director's Order to Raze and Remove was mailed on February 2, 2009, to Igor and Irina Vorotinov and Vision Financial and Home Mortgage Inc. On February 16, 2009, Irina Vorotinov filed an

appeal indicating: "I am trying to come up with cash to rehab this property and make it rentable by middle of summer".

9. The matter was then set for hearing on March 12, 2009.

10. At the March 12, 2009, hearing Irina Vorotinov appeared and stated that she wanted to fix the property by this summer for renters. She indicated that she has attempted to fix up the property in the past but it was broken into and ruined each time. Ms. Vorotoniv does not visit the property regularly and was unaware that the property was condemned until a year after the condemnation. Ms. Vorotoniv does not have the resources to fix up the property at this time, has not ordered a Code Compliance Inspection and has no rehabilitation plan.

11. Shirley Gould, a neighbor of 1105 28th Street E., stated that the property is broken into often and that the owner is not responsive when she has attempted to contact her regarding the property.

CONCLUSIONS

1. The building located at 1105 28th Street E. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(1) as the building is vacant and unoccupied for the purpose for which it was erected and the building has remained in such a condition for a period of at least six months.


2. The building located at 1105 28th Street E. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(2) as the doors, windows and other openings into the building are boarded up or otherwise secured by a means other than the conventional methods used in the original construction and design of the building, and the building has remained substantially in such condition for a period of at least sixty days.

3. The building located at 1105 28th Street E. meets the definition of nuisance condition as set forth in M.C.O. § 249.30(a)(4) as evidence clearly demonstrates that the cost of rehabilitation is not justified when compared to the after rehabilitation resale value of the building.

4. Pursuant to M.C.O. § 249.40 *Abatement of nuisance condition*, the Director of Inspection's recommendation to raze the building located at 1105 28th Street E. is appropriate. The building meets the definition of a nuisance condition as defined by M.C.O. § 249.30 and a preponderance of the evidence, based upon the criteria listed in M.C.O. § 249.40, demonstrates that razing the building is appropriate. The building has been vacant and boarded for over one year. This property has been neglected to the point that it has had a negative impact on the community and will continue to have a negative impact if it is not removed additionally the owner has no current plans to rehabilitate the property and has never ordered a Code Compliance Inspection to determine the full extent of the necessary rehabilitation. The owners have ignored the building as attested to by the fact that the owner did not know for over one year that the building had been condemned and fact that the owner is non-responsive to neighbors who have tried to contact them regarding the state of the building. The building is not needed for neighborhood housing at this time.

RECOMMENDATION

That the Director of Inspections' Order to Raze the building located at 1105 28th Street E. Minneapolis, Minnesota, be upheld.

 4/13/09
Burt Osborne date
Chair,
Nuisance Condition Process Review Panel